IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TENNESSEE

SNMP RESEARCH, INC. and SNMP
RESEARCH INTERNATIONAL, INC.,

Plaintiffs,

v.

BROADCOM INC.; BROCADE
COMMUNICATIONS SYSTEMS LLC;
AND EXTREME NETWORKS, INC.

Defendants.

Case No. 3:20-cv-00451

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PLAINTIFF SNMP RESEARCH, INC.'S MOTION TO COMPEL RESPONSES FROM DEFENDANTS BROADCOM INC AND BROCADE COMMUNICATIONS SYSTEMS LLC TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

COMES NOW Plaintiff SNMP Research, Inc. ("SNMP Research" or "Plaintiff") and, in accordance with Rules 26, 34, and 37 of the Federal Rules of Civil Procedure, this Court's inherent authority to control the conduct of discovery, the Local Rules of this Court and Plaintiff's Memorandum of Law submitted contemporaneously herewith, moves this Court to Compel Defendants Broadcom Inc. ("Broadcom") and Brocade Communications Systems LLC ("Brocade") (collectively, "Defendants") to fully and completely respond to Plaintiff's Second Set of Requests for Production served on Broadcom and Brocade, respectively ("Second RFPs").

- On January 29, 2021, Plaintiff SNMP Research served its Second RFPs on Defendant Brocade and its Second RFPs on Defendant Broadcom.
- 2. On March 1, 2021, both Broadcom and Brocade served their respective "Responses and Objections" to Plaintiff's Second RFPs. Defendants' "Responses" consisted solely of objections.
- 3. No substantive responses were provided by either Defendant as to any discovery request.

- 4. Not a single document was produced, nor was a single commitment to produce any document(s) provided.
 - 5. Defendants' general objections and their rote, boilerplate objections are improper.
- 6. As demonstrated in SNMP Research's Memorandum filed in support of this Motion,
 Defendants even concede that they have refused to provide any "meaningful, substantive" (Defendants' own words) responses to Plaintiff's Document Requests.
- 7. Furthermore, while Defendants agreed to meet and confer with Plaintiff over the deficiencies in Defendants' responses to the Second RFPs, they have refused to meet and confer in good faith, insisting that SNMP Research enumerate in writing its basis for contending each of the multitude of general and boilerplate objections Defendants have interposed is not applicable, and then admitting that regardless of what SNMP Research does, Defendants intend to stand on all of their stated objections until this Court has ruled on Defendants' Motion to Stay Discovery.
- 8. Defendants' conduct reveals that they have no intention of properly responding to discovery so long as the Motion to Stay Discovery is pending. Defendants' Responses do not meet the spirit or the requirements of discovery provided by Rules 26, 34, and 37 of the Federal Rules of Civil Procedure and applicable case law.
- Defendants' conduct flouts their obligations under the Federal Rules of Civil
 Procedure.
- 10. Plaintiffs are prejudiced in the prosecution of their claims by Defendants' conduct and refusals.
- 11. In support of this Motion, SNMP Research submits the accompanying Memorandum of Law and Declaration of John L. Wood.

WHEREFORE, for the reasons set forth above, and as are set forth in Plaintiff's Memorandum of Law in support of its Motion to Compel Responses to Plaintiff's Second Set of Requests for

Production of Documents, and upon the grounds as shall be raised at oral argument of this Motion (if any), Plaintiff asks this Court to enter an order compelling Defendants Brocade and Broadcom to respond to each of Plaintiff's Document Requests without further delay and hold that all of Defendants' respective objections to Plaintiff's discovery requests are deemed waived (or at the very least find that Defendants' general and boilerplate objections are waived). Plaintiff also asks this Court to grant it any additional and further relief to which the Court determines Plaintiff is entitled under applicable authority.

Respectfully submitted,

Dated: May 19, 2021 By: /s/ Cheryl G. Rice

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Dated: May 19, 2021 By: /s/ A. Matthew Ashley

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